

# SENATE BILL 897

J2

2lr2908

---

By: **Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Allied Health Advisory Committees – Sunset**  
3 **Extension and Program Evaluation**

4 FOR the purpose of continuing certain allied health advisory committees under the  
5 State Board of Physicians in accordance with the provisions of the Maryland  
6 Program Evaluation Act (Sunset Law) by extending to a certain date the  
7 termination provisions relating to the statutory and regulatory authority of the  
8 committees; altering to a certain date the termination provision related to the  
9 Perfusion Advisory Committee; requiring certain chairs of certain committees to  
10 serve in a certain capacity to the Board and present to the Board certain annual  
11 reports; prohibiting certain individuals from providing certain services to  
12 certain committees or to the Board under certain circumstances; prohibiting  
13 certain individuals from being appointed to certain committees under certain  
14 circumstances; requiring certain committees to submit certain annual reports to  
15 the Board; requiring the Board to consider all recommendations of certain  
16 committees, provide a certain explanation to certain committees under certain  
17 circumstances, and provide a certain report to certain committees a certain  
18 number of times each year; requiring the Board to disclose certain filings of  
19 charges and initial denials of licensure on the Board's Web site; requiring the  
20 Board to create and maintain certain profiles that include certain information  
21 on the Board's Web site; requiring that license profiles include a certain  
22 disclaimer; requiring the Board to forward a written copy of certain profiles to a  
23 person under certain circumstances; requiring the Board to provide a  
24 mechanism for correcting errors in certain profiles; requiring the  
25 Polysomnography Professional Standards Committee to elect a chair every  
26 certain number of years; repealing the requirement that the Board assess a  
27 certain fee under certain circumstances; requiring the Board to develop and  
28 implement a certain recruitment plan on or before a certain date; requiring the  
29 Board, in consultation with certain persons, to adopt certain regulations on or  
30 before a certain date; requiring the Board to issue a license to an individual

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under a certain provision of law under certain circumstances; requiring the  
2 Board to submit a certain report to the Department of Legislative Services;  
3 providing for the effective date of certain provisions of this Act; and generally  
4 relating to the Respiratory Care Professional Standards Committee, the  
5 Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology  
6 Assistance Advisory Committee, the Polysomnography Professional Standards  
7 Committee, the Perfusion Advisory Committee, and the Physician Assistant  
8 Advisory Committee under the State Board of Physicians.

9 BY repealing and reenacting, with amendments,

10 Article – Health Occupations

11 Section 14–5A–06(d), 14–5A–07, 14–5A–25, 14–5B–05(c), 14–5B–06, 14–5B–21,  
12 14–5C–07, 14–5C–25, 15–202(e), 15–205, and 15–502

13 Annotated Code of Maryland

14 (2009 Replacement Volume and 2011 Supplement)

15 BY adding to

16 Article – Health Occupations

17 Section 14–5A–06(e), 14–5A–18.1, 14–5B–05(f), 14–5B–15.1, 14–5C–06(d) and  
18 (e), 14–5C–18.1, 15–202(f), and 15–316.1

19 Annotated Code of Maryland

20 (2009 Replacement Volume and 2011 Supplement)

21 BY repealing

22 Article – Health Occupations

23 Section 15–310(e)

24 Annotated Code of Maryland

25 (2009 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – Health Occupations

28 Section 14–5E–06(d), 14–5E–07, and 14–5E–25

29 Annotated Code of Maryland

30 (2009 Replacement Volume and 2011 Supplement)

31 (As enacted by Chapter 588 of the Acts of the General Assembly of 2011)

32 BY adding to

33 Article – Health Occupations

34 Section 14–5E–06(e) and 14–5E–18.1

35 Annotated Code of Maryland

36 (2009 Replacement Volume and 2011 Supplement)

37 (As enacted by Chapter 588 of the Acts of the General Assembly of 2011)

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
39 MARYLAND, That the Laws of Maryland read as follows:

40 **Article – Health Occupations**

1 14-5A-06.

2 (d) (1) From among its members, the Committee shall elect a chair once  
3 every 2 years.

4 (2) THE CHAIR SHALL:

5 (i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A  
6 REPRESENTATIVE OF THE COMMITTEE; AND

7 (ii) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL  
8 REPORT.

9 (e) (1) AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE  
10 COMMITTEE OR THE BOARD FOR REMUNERATION UNLESS 3 YEARS HAVE  
11 PASSED SINCE THE TERMINATION OF THE INDIVIDUAL'S APPOINTMENT TO THE  
12 COMMITTEE.

13 (2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE  
14 IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD  
15 FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.

16 14-5A-07.

17 (A) In addition to the powers set forth elsewhere in this subtitle, the  
18 Committee shall:

19 (1) Develop and recommend to the Board regulations to carry out the  
20 provisions of this subtitle;

21 (2) Develop and recommend to the Board a code of ethics for the  
22 practice of respiratory care for adoption by the Board;

23 (3) If requested, develop and recommend to the Board standards of  
24 care for the practice of respiratory care;

25 (4) Develop and recommend to the Board the requirements for  
26 licensure as a respiratory care practitioner;

27 (5) Evaluate the credentials of applicants as necessary and  
28 recommend licensure of applicants who fulfill the requirements for a license to  
29 practice respiratory care;

1           (6) Develop and recommend to the Board continuing education  
2 requirements for license renewal;

3           (7) Provide the Board with recommendations concerning the practice  
4 of respiratory care;

5           (8) Develop and recommend to the Board criteria related to the  
6 practice of respiratory care in the home setting; [and]

7           (9) Keep a record of its proceedings; AND

8           **(10) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

9           **(B) THE BOARD SHALL:**

10           **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND**  
11 **PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING**  
12 **OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

13           **(2) PROVIDE TO THE COMMITTEE ONCE A YEAR A REPORT ON**  
14 **THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

15 **14-5A-18.1.**

16           **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**  
17 **DENIAL OF A LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING**  
18 **TO THE PUBLIC ON THE BOARD'S WEB SITE.**

19           **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**  
20 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

21           **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**  
22 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**  
23 **TAKEN ACTION UNDER § 14-5A-17 OF THIS SUBTITLE BASED ON THE CHARGES**  
24 **OR HAS RESCINDED THE CHARGES;**

25           **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**  
26 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**  
27 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

28           **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**  
29 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**  
30 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**  
31 **PERIOD;**

1           (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF  
2 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING  
3 MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5A-17(C) OF THIS  
4 SUBTITLE; AND

5           (5) THE PUBLIC ADDRESS OF THE LICENSEE.

6           (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS  
7 SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S  
8 PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER  
9 WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING  
10 THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT  
11 BY THE BOARD.

12          (D) THE BOARD:

13           (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S  
14 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE  
15 PROFILE TO THE PERSON; AND

16           (2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE  
17 POINT OF ENTRY AT WHICH ALL LICENSEE PROFILE INFORMATION IS  
18 AVAILABLE TO THE PUBLIC ON THE INTERNET.

19           (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION  
20 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S  
21 PROFILE.

22           (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES  
23 FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION  
24 TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE  
25 WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES  
26 FINAL.

27 14-5A-25.

28           Subject to the evaluation and reestablishment provisions of the Maryland  
29 Program Evaluation Act and subject to the termination of this title under § 14-702 of  
30 this title, this subtitle and all rules and regulations adopted under this subtitle shall  
31 terminate and be of no effect after July 1, [2013] 2023.

32 14-5B-05.

1           (c)   **(1)**   From among its members, the Committee shall elect a chair once  
2 every 2 years.

3                   **(2)   THE CHAIR SHALL:**

4                           **(I)   SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A**  
5 **REPRESENTATIVE OF THE COMMITTEE; AND**

6                           **(II)   PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL**  
7 **REPORT.**

8           **(F)   (1)   AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE**  
9 **COMMITTEE OR THE BOARD FOR REMUNERATION UNLESS 3 YEARS HAVE**  
10 **PASSED SINCE THE TERMINATION OF THE INDIVIDUAL'S APPOINTMENT TO THE**  
11 **COMMITTEE.**

12                   **(2)   AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE**  
13 **IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**  
14 **FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.**

15 14-5B-06.

16           **(A)**   In addition to the powers set forth elsewhere in this subtitle, the  
17 Committee shall:

18                   (1)   Make recommendations to the Board on regulations necessary to  
19 carry out the provisions of this subtitle;

20                   (2)   Make recommendations to the Board on a code of ethics for the  
21 practice of radiation therapy, the practice of radiography, the practice of nuclear  
22 medicine technology, and the practice of radiology assistance for adoption by the  
23 Board;

24                   (3)   On request, make recommendations to the Board on standards of  
25 care for the practice of radiation therapy, the practice of radiography, the practice of  
26 nuclear medicine technology, and the practice of radiology assistance;

27                   (4)   Make recommendations to the Board on the requirements for  
28 licensure as a radiation therapist, radiographer, nuclear medicine technologist, or  
29 radiologist assistant;

30                   (5)   On request, review applications for licensure as a radiation  
31 therapist, radiographer, nuclear medicine technologist, or radiologist assistant and  
32 make recommendations to the Board;

1 (6) Develop and recommend to the Board continuing education  
2 requirements for license renewal;

3 (7) Advise the Board on matters related to the practice of radiation  
4 therapy, the practice of radiography, the practice of nuclear medicine technology, and  
5 the practice of radiology assistance; [and]

6 (8) Keep a record of its proceedings; AND

7 (9) **SUBMIT AN ANNUAL REPORT TO THE BOARD.**

8 **(B) THE BOARD SHALL:**

9 (1) **CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND  
10 PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING  
11 OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

12 (2) **PROVIDE TO THE COMMITTEE ONCE A YEAR A REPORT ON  
13 THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

14 **14-5B-15.1.**

15 (A) **FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL  
16 DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO  
17 THE PUBLIC ON THE BOARD'S WEB SITE.**

18 (B) **THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL  
19 PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

20 (1) **A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE  
21 THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS  
22 TAKEN ACTION UNDER § 14-5B-14 OF THIS SUBTITLE BASED ON THE CHARGES  
23 OR HAS RESCINDED THE CHARGES;**

24 (2) **A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE  
25 BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD  
26 THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

27 (3) **A DESCRIPTION IN SUMMARY FORM OF ANY FINAL  
28 DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR  
29 JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR  
30 PERIOD;**

1           **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**  
2 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**  
3 **MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5B-14(C) OF THIS**  
4 **SUBTITLE; AND**

5           **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

6           **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**  
7 **SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S**  
8 **PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER**  
9 **WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING**  
10 **THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT**  
11 **BY THE BOARD.**

12           **(D) THE BOARD:**

13           **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**  
14 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**  
15 **PROFILE TO THE PERSON; AND**

16           **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**  
17 **POINT OF ENTRY AT WHICH ALL LICENSEE PROFILE INFORMATION IS**  
18 **AVAILABLE TO THE PUBLIC ON THE INTERNET.**

19           **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**  
20 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**  
21 **PROFILE.**

22           **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**  
23 **FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION**  
24 **TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE**  
25 **WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES**  
26 **FINAL.**

27 14-5B-21.

28           Subject to the evaluation and reestablishment provisions of the Maryland  
29 Program Evaluation Act, and subject to the termination of this title under § 14-702 of  
30 this title, this subtitle and all rules and regulations adopted under this subtitle shall  
31 terminate and be of no effect after July 1, [2013] **2023**.

32 14-5C-06.

1           **(D) (1) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT**  
2 **A CHAIR ONCE EVERY 2 YEARS.**

3                   **(2) THE CHAIR SHALL:**

4                           **(I) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A**  
5 **REPRESENTATIVE OF THE COMMITTEE; AND**

6                           **(II) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL**  
7 **REPORT.**

8           **(E) (1) AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE**  
9 **COMMITTEE OR THE BOARD FOR REMUNERATION UNLESS 3 YEARS HAVE**  
10 **PASSED SINCE THE TERMINATION OF THE INDIVIDUAL'S APPOINTMENT TO THE**  
11 **COMMITTEE.**

12                   **(2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE**  
13 **IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**  
14 **FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.**

15 14-5C-07.

16           **(A)** In addition to the powers set forth elsewhere in this subtitle, the  
17 Committee shall:

18                   (1) Develop and recommend to the Board regulations to carry out the  
19 provisions of this subtitle;

20                   (2) Develop and recommend to the Board a code of ethics for the  
21 practice of polysomnography for adoption by the Board;

22                   (3) Develop and recommend to the Board standards of care for the  
23 practice of polysomnography;

24                   (4) Develop and recommend to the Board the requirements for  
25 licensure as a polysomnographic technologist, including:

26                           (i) Criteria for the educational and clinical training of licensed  
27 polysomnographic technologists; and

28                           (ii) Criteria for a professional competency examination and  
29 testing of applicants for a license to practice polysomnography;

1 (5) Develop and recommend to the Board criteria for licensed  
2 polysomnographic technologists who are licensed in other states to practice in this  
3 State;

4 (6) Evaluate the accreditation status of education programs in  
5 polysomnography for approval by the Board;

6 (7) Evaluate the credentials of applicants and recommend licensure of  
7 applicants who fulfill the requirements for a license to practice polysomnography;

8 (8) Develop and recommend to the Board continuing education  
9 requirements for license renewal;

10 (9) Provide the Board with recommendations concerning the practice  
11 of polysomnography;

12 (10) Develop and recommend to the Board criteria for the direction of  
13 students in clinical education programs by licensed polysomnographic technologists  
14 and licensed physicians;

15 (11) Keep a record of its proceedings; and

16 (12) Submit an annual report to the Board.

17 **(B) THE BOARD SHALL:**

18 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND**  
19 **PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING**  
20 **OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

21 **(2) PROVIDE TO THE COMMITTEE ONCE A YEAR A REPORT ON**  
22 **THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

23 **14-5C-18.1.**

24 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**  
25 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**  
26 **THE PUBLIC ON THE BOARD'S WEB SITE.**

27 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**  
28 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

29 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**  
30 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**

1 TAKEN ACTION UNDER § 14-5C-17 OF THIS SUBTITLE BASED ON THE CHARGES  
2 OR HAS RESCINDED THE CHARGES;

3 (2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE  
4 BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD  
5 THAT INCLUDES A COPY OF THE PUBLIC ORDER;

6 (3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL  
7 DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR  
8 JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR  
9 PERIOD;

10 (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF  
11 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING  
12 MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5C-17(C) OF THIS  
13 SUBTITLE; AND

14 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

15 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS  
16 SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S  
17 PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER  
18 WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING  
19 THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT  
20 BY THE BOARD.

21 (D) THE BOARD:

22 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S  
23 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE  
24 PROFILE TO THE PERSON; AND

25 (2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE  
26 POINT OF ENTRY AT WHICH ALL LICENSEE PROFILE INFORMATION IS  
27 AVAILABLE TO THE PUBLIC ON THE INTERNET.

28 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION  
29 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S  
30 PROFILE.

31 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES  
32 FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION  
33 TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE

1 **WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES**  
2 **FINAL.**

3 14-5C-25.

4 Subject to the evaluation and reestablishment provisions of the Maryland  
5 Program Evaluation Act and subject to the termination of this title under § 14-702 of  
6 this title, this subtitle and all regulations adopted under this subtitle shall terminate  
7 and be of no effect after July 1, [2013] **2023.**

8 15-202.

9 (e) The chairperson shall [serve]:

10 (1) **SERVE** in an advisory capacity to the Board as a representative of  
11 the Committee; **AND**

12 (2) **PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL**  
13 **REPORT.**

14 (F) (1) **AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE**  
15 **COMMITTEE OR THE BOARD FOR REMUNERATION UNLESS 3 YEARS HAVE**  
16 **PASSED SINCE THE TERMINATION OF THE INDIVIDUAL'S APPOINTMENT TO THE**  
17 **COMMITTEE.**

18 (2) **AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE**  
19 **IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**  
20 **FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.**

21 15-205.

22 (a) In addition to the powers set forth elsewhere in this title, the Committee,  
23 on its initiative or on the Board's request, may:

24 (1) Recommend to the Board regulations for carrying out the  
25 provisions of this title;

26 (2) Recommend to the Board approval, modification, or disapproval of  
27 an application for licensure or a delegation agreement;

28 (3) Report to the Board any conduct of a supervising physician or a  
29 physician assistant that may be cause for disciplinary action under this title or under  
30 § 14-404 of this article; and

31 (4) Report to the Board any alleged unauthorized practice of a  
32 physician assistant.

1           **(B) THE COMMITTEE SHALL SUBMIT AN ANNUAL REPORT TO THE**  
2 **BOARD.**

3           **[(b)] (C)** (1) In addition to the duties set forth elsewhere in this title, the  
4 Board shall adopt regulations to carry out the provisions of this title.

5                   (2) The Board shall:

6                           (i) Consider all recommendations of the Committee; **[and]**

7                           (ii) Provide a written explanation of the Board's reasons for  
8 rejecting or modifying the Committee's recommendations; **AND**

9                                   **(III) PROVIDE TO THE COMMITTEE ONCE A YEAR A REPORT**  
10 **ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

11                   (3) The Board may:

12                           (i) Investigate any alleged unauthorized practice of a physician  
13 assistant;

14                           (ii) Investigate any conduct that may be cause for disciplinary  
15 action under this title; and

16                           (iii) On receipt of a written and signed complaint, including a  
17 referral from the Commissioner of Labor and Industry, conduct an unannounced  
18 inspection of the office of a physician assistant, other than an office of a physician  
19 assistant in a hospital, related institution, freestanding medical facility, or  
20 freestanding birthing center, to determine compliance at that office with the Centers  
21 for Disease Control and Prevention's guidelines on universal precautions.

22                   (4) If the entry is necessary to carry out a duty under this subtitle,  
23 including an investigation or determination of compliance as provided under  
24 paragraph (3) of this subsection and an audit to determine compliance with the  
25 Board's requirements with respect to physician assistant practice, the Executive  
26 Director of the Board or other duly authorized agent or investigator may enter at any  
27 reasonable hour a place of business of a licensed physician or a licensed physician  
28 assistant or public premises.

29                           (5) (i) A person may not deny or interfere with an entry under this  
30 subsection.

31                                   (ii) A person who violates any provision of this subsection is  
32 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

1 15-310.

2 [(e) The Board shall assess each applicant for a license or the renewal of a  
3 license to practice as a physician assistant, a fee set by the Board sufficient to fund the  
4 activities of the Board's rehabilitation program under § 14-401(g) of this article in  
5 conducting a physician assistant rehabilitation program.]

6 **15-316.1.**

7 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**  
8 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**  
9 **THE PUBLIC ON THE BOARD'S WEB SITE.**

10 **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**  
11 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

12 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**  
13 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**  
14 **TAKEN ACTION UNDER § 15-314 OF THIS SUBTITLE BASED ON THE CHARGES OR**  
15 **HAS RESCINDED THE CHARGES;**

16 **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**  
17 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**  
18 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

19 **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**  
20 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**  
21 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**  
22 **PERIOD;**

23 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**  
24 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**  
25 **MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 15-314(B) OF THIS**  
26 **SUBTITLE; AND**

27 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

28 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**  
29 **SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S**  
30 **PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER**  
31 **WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING**  
32 **THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT**  
33 **BY THE BOARD.**

1           **(D) THE BOARD:**

2                   **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**  
 3 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**  
 4 **PROFILE TO THE PERSON; AND**

5                   **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**  
 6 **POINT OF ENTRY AT WHICH ALL LICENSEE PROFILE INFORMATION IS**  
 7 **AVAILABLE TO THE PUBLIC ON THE INTERNET.**

8           **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**  
 9 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**  
 10 **PROFILE.**

11           **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**  
 12 **FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION**  
 13 **TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE**  
 14 **WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES**  
 15 **FINAL.**

16 15-502.

17           Subject to the evaluation and reestablishment provisions of the Maryland  
 18 Program Evaluation Act, this title and all regulations adopted under this title shall  
 19 terminate and be of no effect after July 1, [2013] **2023**.

20           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 21 read as follows:

22   **Article – Health Occupations**

23 14-5E-06.

24           (d)   **(1)**   From among its members, the Committee shall elect a chair every  
 25 2 years.

26                   **(2) THE CHAIR SHALL:**

27                                   **(i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A**  
 28 **REPRESENTATIVE OF THE COMMITTEE; AND**

29                                   **(ii) PRESENT TO THE BOARD THE COMMITTEE'S ANNUAL**  
 30 **REPORT.**

1           **(E) (1) AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE**  
2 **COMMITTEE OR THE BOARD FOR REMUNERATION UNLESS 3 YEARS HAVE**  
3 **PASSED SINCE THE TERMINATION OF THE INDIVIDUAL'S APPOINTMENT TO THE**  
4 **COMMITTEE.**

5           **(2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE**  
6 **IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD**  
7 **FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.**

8 14-5E-07.

9           **(A)** In addition to the powers set forth elsewhere in this subtitle, the  
10 Committee shall:

11           (1) Develop and recommend to the Board:

12                   (i) Regulations to carry out the provisions of this subtitle;

13                   (ii) A code of ethics for the practice of perfusion for adoption by  
14 the Board;

15                   (iii) Recommendations concerning the practice of perfusion,  
16 including standards of care for the practice of perfusion; and

17                   (iv) Continuing education requirements for license renewal;  
18 [and]

19           (2) Keep a record of its proceedings; **AND**

20           **(3) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

21           **(B) THE BOARD SHALL:**

22           **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND**  
23 **PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING**  
24 **OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND**

25           **(2) PROVIDE TO THE COMMITTEE ONCE A YEAR A REPORT ON**  
26 **THE DISCIPLINARY MATTERS INVOLVING LICENSEES.**

27 14-5E-18.1.

28           **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL**  
29 **DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO**  
30 **THE PUBLIC ON THE BOARD'S WEB SITE.**

1           **(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL**  
2 **PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:**

3           **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE**  
4 **THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS**  
5 **TAKEN ACTION UNDER § 14-5E-16 OF THIS SUBTITLE BASED ON THE CHARGES**  
6 **OR HAS RESCINDED THE CHARGES.**

7           **(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE**  
8 **BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD**  
9 **THAT INCLUDES A COPY OF THE PUBLIC ORDER;**

10           **(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL**  
11 **DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR**  
12 **JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR**  
13 **PERIOD;**

14           **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**  
15 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING**  
16 **MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5E-16(C) OF THIS**  
17 **SUBTITLE; AND**

18           **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

19           **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**  
20 **SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S**  
21 **PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER**  
22 **WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING**  
23 **THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT**  
24 **BY THE BOARD.**

25           **(D) THE BOARD:**

26           **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S**  
27 **PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE**  
28 **PROFILE TO THE PERSON; AND**

29           **(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE**  
30 **POINT OF ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE**  
31 **TO THE PUBLIC ON THE INTERNET.**

1           **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**  
2 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**  
3 **PROFILE.**

4           **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**  
5 **FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION**  
6 **TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE**  
7 **WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES**  
8 **FINAL.**

9 14-5E-25.

10           Subject to the evaluation and reestablishment provisions of the Maryland  
11 Program Evaluation Act and subject to the termination of this title under § 14-702 of  
12 this title, this subtitle and all regulations adopted under this subtitle shall terminate  
13 and be of no effect after July 1, [2022] **2023**.

14           SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December  
15 31, 2012, the State Board of Physicians shall develop and implement a plan to improve  
16 the recruitment of allied health advisory committee members.

17           SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December  
18 31, 2012, the State Board of Physicians, in consultation with the Physician Assistant  
19 Advisory Committee and physician assistants and supervising physicians from a  
20 variety of practice settings, shall adopt regulations for determining:

21                   (1) what constitutes an advanced duty; and

22                   (2) how many successful procedures a physician assistant must  
23 perform to be deemed able to safely perform a medical act.

24           SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of  
25 Physicians shall issue a license to an individual under § 14-5B-10 of the Health  
26 Occupations Article if the individual:

27                   (1) was enrolled in an unaccredited radiation therapy, radiography, or  
28 nuclear medicine technology program on October 1, 2010, and graduates by June 30,  
29 2014; and

30                   (2) meets all other requirements for licensure.

31           SECTION 6. AND BE IT FURTHER ENACTED, That, on or before June 1,  
32 2013, the State Board of Physicians shall submit a report to the Department of  
33 Legislative Services. The report shall address the status of the implementation of the  
34 recommendations made by the Department of Legislative Services in the November

1 2011 publication “Sunset Review: Evaluation of the State Board of Physicians and the  
2 Related Allied Health Advisory Committees”. The report shall include:

3 (1) recommendations for measures to increase the involvement of  
4 allied health advisory committees in complaint resolution and licensee discipline,  
5 including the feasibility and efficacy of:

6 (i) allied health advisory committees handling all allied health  
7 complaint resolution functions currently handled by the Board; or

8 (ii) having allied health committee members perform certain  
9 complaint resolution functions, including whether allied health committee members  
10 should serve on any panel established by the Board to review disciplinary cases  
11 involving allied health licensees;

12 (2) with respect to the allied health advisory committees, measures  
13 the Board is taking to:

14 (i) fill vacancies;

15 (ii) solicit, identify, and appoint new members before a  
16 member’s term expires;

17 (iii) promptly reappoint members eligible and nominated to  
18 serve for an additional term; and

19 (iv) ensure that committee chairs are elected in a timely manner  
20 and preside over committee meetings;

21 (3) whether members of the Board should sit on allied health advisory  
22 committees;

23 (4) whether the number of licensees should be considered when  
24 determining the size of an allied health advisory committee; and

25 (5) whether the size and composition of the allied health advisory  
26 committees should be altered through statutory amendment to effectively carry out  
27 the committees’ oversight functions, including whether the membership of allied  
28 health advisory committees should be reduced after the initial regulations governing  
29 the allied health professions have been adopted by the Board.

30 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
31 take effect October 1, 2012, the effective date of Chapter 588 of the Acts of the General  
32 Assembly of 2011. If the effective date of Chapter 588 is amended, Section 2 of this Act  
33 shall take effect on the taking effect of Chapter 588.

1           SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in  
2   Section 7 of this Act, this Act shall take effect June 1, 2012.